

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CC.MEXICANO.US, LLC,

Plaintiff(s),

vs.

AERO II AVIATION, INC., et al.,

Defendant(s).

Case No. 2:14-cv-00108-JCM-NJK

ORDER DENYING MOTION TO
STRIKE

(Docket No. 22)

Pending before the Court is a motion to strike Defendants' answer, counterclaims, and third party complaint. Docket No. 22. Plaintiff has filed a notice indicating that the motion to strike is now "moot on the merits." Docket No. 48 at 2. Accordingly, the substantive relief sought in the motion to strike is hereby DENIED as moot.

Plaintiff's notice indicates, however, that it still seeks a ruling on the portion of its motion to strike requesting "costs and sanctions against Defendants for multiple and intentional violations of this Court's Local Rules and the Federal Rules of Civil Procedure." Docket No. 48 at 2. Although not entirely clear, the motion to strike appears to seek sanctions on two grounds. *See* Docket No. 22 at 13. First, the motion states that Plaintiff "is entitled to an award of sanctions, including attorneys [sic] fees, for having to respond to Defendants' spurious pleadings and for Defendants' having ignored this Court's order to show cause." *Id.* No articulation is provided as to the specific conduct giving rise to a sanctions award and no statutory, rule-based, or other authority is provided on which

1 such sanctions could be based. *See id.* Accordingly, this request for sanctions is DENIED without
2 prejudice.

3 Second, the motion to strike seeks sanctions of “costs and attorneys’ fees under FRCP 4(d)
4 for failure of Defendants to waive service of the summons and complaint.” *See* Docket No. 22 at 3;
5 *see also id.* 13. Although Plaintiff does cite Rule 4 as the basis on which sanctions may be imposed
6 as to this request, it again does not meaningfully developed this argument, including failing to cite
7 any case law regarding the standards applicable to such a request. *See id.* at 13. Accordingly, this
8 request for sanctions is also DENIED without prejudice.

9 IT IS SO ORDERED.

10 DATED: May 1, 2014.

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14 NANCY J. KOPPE
15 United States Magistrate Judge
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